

Paul Balanon

From: Visage, Tony [Tony.Visage@bgllp.com]
Sent: Tuesday, November 17, 2009 11:00 AM
To: paul.balanon@ksfcounsel.com
Subject: FW: Superior

Paul,

I have attached an email from Kurt Olsen, the lawyer that represents the Post Confirmation Equity Sub-Committee of the Debtor.

--Tony

From: Kurt Olsen [mailto:ko@klafterolsen.com]
Sent: Tuesday, November 17, 2009 10:46 AM
To: Visage, Tony
Cc: 'Jones, David R.'
Subject: Superior

Tony,

By this email I am confirming that the Plan Agent will not waive the attorney client privilege as plaintiffs in the pending securities class action have apparently demanded.

Kurt

Kurt B. Olsen
KLAFTER OLSEN & LESSER LLP
1250 Connecticut Ave., N.W., Suite 200
Washington, DC 20036
202/261-3553
202/261-3533 (fax)

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Exhibit E

11/17/2009